THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16807 of 2007

Dated:13.08.2007

Between:

Mohd.Rafiq Pasha, S/o.Abdul Nabi.

…Petitioner

and

The Tahasildar, Khammam urban Mandal, Khammam District,
and another.

…Respondents

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ORDER:

The petitioner is a resident of Nizampet, Khammam District. It is his case that he purchased an extent of Acs.2.00 of land in Survey No.147/LU situated at Velugumatla Village of Khammam Urban Mandal in Khammam District, from M/s.Shaik Mohammed and others under registered sale deed and is in possession of the same. He alleges that the said land was allotted by the Bhoodan Board to the father of his vendors. While the matter stood thus, the first respondent issued a notice dated 19.04.2007, under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), calling upon the concerned to show cause as to why they should not be evicted from the said lands. As alleged, the petitioner submitted explanation, and the first respondent received the same, but did not act upon it. The petitioner alleges that the first respondent seems to have passed orders in similar matters pursuant to the paper publication dated 19.04.2007 by proceedings dated 20.07.2007 ordering resumption of the land. Nevertheless, as alleged, on 28.07.2007 the Revenue Inspector along with his subordinates came to the land and stated that the first respondent has already passed orders directing to resume the land, and when asked for a copy of the

same, he expressed his inability. The petitioners allege that no orders are passed so far, but still there is an attempt to dispossess them. In this case, therefore, they seek appropriate direction by way of Mandamus.

The matter was initially listed before this Court on 07.08.2007 and the learned Assistant Government Pleader was directed to get instructions. Today, after getting instructions, learned Assistant Government Pleader submits that Mandal Revenue Officer has not passed orders in this case. Therefore, this Court observes that till appropriate orders are passed pursuant to the show cause notice, dated 19.04.2007, the respondents cannot interfere with the right of the petitioners to enjoy the land in their possession. The Tahsildar, Khammam (Urban) may dispose of the matter expeditiously within a period of two weeks from the date of receipt of copy of this order. If any adverse order is passed, it shall be open to petitioners to prefer appeal under Section 4-A of the Act before the concerned Revenue Divisional Officer.

The Writ Petition, with the above observations, is disposed of. No costs.

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(V.V.S.RAO, J)

13.08.2007

Note: Issue C.C by 16.08.2007.

B/o.

vs